



## UNITED STATES PATENT AND TRADEMARK OFFICE

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FPAJ

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/828,765         | 04/20/2004             | James Fink            | 016770-007100US        |

## CONFIRMATION NO. 5232

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

## FORMALITIES LETTER



\*OC000000013121947\*

Date Mailed: 07/01/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



|  |  |                        |                 |
|--|--|------------------------|-----------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |  | Application Number     | 10/828,765      |
|  |  | Filing Date            | April 20, 2004  |
|  |  | First Named Inventor   | Fink, James     |
|  |  | Art Unit               | 3743            |
|  |  | Examiner Name          |                 |
| Total Number of Pages in This Submission   |  | Attorney Docket Number | 016770-007100US |

|  |  |  |  |
|--|--|--|--|
| <b>ENCLOSURES (Check all that apply)</b>   |  |  |  |
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Postcard<br>Declaration<br>Power of Attorney with Statement<br>Required copy of Notice to File Missing Parts |  |
|  |  | <b>Remarks</b>   | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |

|   |  |  |  |
|---|--|--|--|
| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b> |  |  |  |
| Firm or Individual name                           | Townsend and Townsend and Crew LLP<br>Darin J. Gibby |  |  |
| Signature   |  |  |  |
| Date  | August 27, 2004                                      |  |  |
| Reg. No. 38,464                                   |  |  |  |

|   |               |      |                 |
|---|---------------|------|-----------------|
| <b>CERTIFICATE OF TRANSMISSION/MAILING</b>  |               |      |                 |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |               |      |                 |
| Typed or printed name   | Connie Larson |      |                 |
| Signature   |               | Date | August 27, 2004 |

# O FEE TRANSMITTAL for FY 2004

AUG 31 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

APPLICANT CLAIMS SMALL ENTITY STATUS. SEE 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130

| Complete if Known    |                 |
|----------------------|-----------------|
| Application Number   | 10/828,765      |
| Filing Date          | April 20, 2004  |
| First Named Inventor | Fink, James     |
| Examiner Name        |                 |
| Art Unit             | 3743            |
| Attorney Docket No.  | 016770-007100US |

## METHOD OF PAYMENT (check all that apply)

- Check  Credit Card  Money Order  Other  None  
 Deposit Account:

Deposit Account Number **20-1430**

Deposit Account Name **Townsend and Townsend and Crew LLP**

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity  | Small Entity  | Fee Description        | Fee Paid |
|---------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) |                        |          |
| 1001 770      | 2001 385      | Utility filing fee     |          |
| 1002 340      | 2002 170      | Design filing fee      |          |
| 1003 530      | 2003 265      | Plant filing fee       |          |
| 1004 770      | 2004 385      | Reissue filing fee     |          |
| 1005 160      | 2005 80       | Provisional filing fee |          |

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims       |              | X              |          |
| Independent Claims |              | X              |          |
| Multiple Dependent |              | X              |          |

| Large Entity  | Small Entity  | Fee Description  |
|---------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) |  |
| 1202 18       | 2202 9        | Claims in excess of 20                                     |
| 1201 86       | 2201 43       | Independent claims in excess of 3                          |
| 1203 290      | 2203 145      | Multiple dependent claim, if not paid                      |
| 1204 86       | 2204 43       | ** Reissue independent claims over original patent         |
| 1205 18       | 2205 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater; For Reissues, see above

| 3. ADDITIONAL FEES        | Large Entity | Small Entity | Fee Description | Fee Paid   |
|---------------------------|--------------|--------------|-----------------|--|
| Fee Code                  | Fee (\$)     | Fee Code     | Fee (\$)        |  |
| 1051                      | 130          | 2051         | 65              | Surcharge - late filing fee or oath  |
| 1052                      | 50           | 2052         | 25              | Surcharge - late provisional filing fee or cover sheet                     |
| 1053                      | 130          | 1053         | 130             | Non-English specification  |
| 1812                      | 2,520        | 1812         | 2,520           | For filing a request for reexamination                                     |
| 1804                      | 920*         | 1804         | 920*            | Requesting publication of SIR prior to Examiner action                     |
| 1805                      | 1,840*       | 1805         | 1,840*          | Requesting publication of SIR after Examiner action                        |
| 1251                      | 110          | 2251         | 55              | Extension for reply within first month                                     |
| 1252                      | 420          | 2252         | 210             | Extension for reply within second month                                    |
| 1253                      | 950          | 2253         | 475             | Extension for reply within third month                                     |
| 1254                      | 1,480        | 2254         | 740             | Extension for reply within fourth month                                    |
| 1255                      | 2,010        | 2255         | 1,005           | Extension for reply within fifth month                                     |
| 1401                      | 330          | 2401         | 165             | Notice of Appeal   |
| 1402                      | 330          | 2402         | 165             | Filing a brief in support of an appeal                                     |
| 1403                      | 290          | 2403         | 145             | Request for oral hearing   |
| 1451                      | 1,510        | 1451         | 1,510           | Petition to institute a public use proceeding                              |
| 1452                      | 110          | 2452         | 55              | Petition to revive - unavoidable   |
| 1453                      | 1,330        | 2453         | 665             | Petition to revive - unintentional   |
| 1501                      | 1,330        | 2501         | 665             | Utility issue fee (or reissue)   |
| 1502                      | 480          | 2502         | 240             | Design issue fee   |
| 1503                      | 640          | 2503         | 320             | Plant issue fee  |
| 1460                      | 130          | 1460         | 130             | Petitions to the Commissioner  |
| 1807                      | 50           | 1807         | 50              | Petitions related to provisional applications                              |
| 1806                      | 180          | 1806         | 180             | Submission of Information Disclosure Stmt                                  |
| 8021                      | 40           | 8021         | 40              | Recording each patent assignment per property (times number of properties) |
| 1809                      | 770          | 2809         | 385             | Filing a submission after final rejection (37 CFR § 1.129(a))              |
| 1810                      | 770          | 2810         | 385             | For each additional invention to be examined (37 CFR § 1.129(b))           |
| 1801                      | 770          | 2801         | 385             | Request for Continued Examination (RCE)                                    |
| 1802                      | 900          | 1802         | 900             | Request for expedited examination of a design application                  |
| Other fee (specify) _____ |              |              |                 |  |

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$130)

| SUBMITTED BY      |                | Complete (if applicable)          |        |                        |
|-------------------|----------------|-----------------------------------|--------|------------------------|
| Name (Print/Type) | Darin J. Gibby | Registration No. (Attorney/Agent) | 38,464 | Telephone 303-571-4000 |
| Signature         |                |                                   | Date   | August 27, 2004        |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.